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Serial No.: 10/524,195  
Examiner: Andrew M. Gilbert  
Title: NEEDLELESS PORT (as amended)  
Page 2 of 6

**REMARKS**

Favorable reconsideration is requested in view of the following remarks. Claims 1-22 remain pending in the application.

***Claim Rejections – 35 USC § 102***

Claims 1-5, 7, 10, 13 and 16-19 are rejected under 35 USC § 102 (e) as being anticipated by Willis et al. (US 6,767,340). Applicant respectfully traverses this rejection.

Claim 1 requires a septum having a main body. The main body has an inner end and an outer end. The inner end is on the pedestal side, while the outer end is on the exterior side. The septum has a passageway that allows an insertion member to be introduced from the outer end, and inserted toward the inner end. An example of the passageway and the main body are illustrated in the drawings below where the left side is from the figures of the present application, and the right side is the figures from Willis. The passageway includes a slit (corresponding to "C" in diagram below, which is provided as an illustrative example). The slit has a predetermined depth from the outer-end face of the main body (corresponding to "A" in diagram below, which is provided as an illustrative example) and extends in the same direction as the length direction. The passageway also includes a bore (corresponding to "D" in diagram below, which is provided as an illustrative example). The bore extends from the slit to the inner-end face of the main body (corresponding to "B" in diagram below, which is provided as an illustrative example).

On the other hand, Willis discloses a sealing valve member (42). The sealing valve member (42) has an outer end and an inner end. The inner end is on the feeding lumen (34) side, while the outer end is on the exterior side. The sealing valve member (42) is disposed within a passage (52). The passage (52) is in fluid communication with the feeding lumen (34) through the valve member (42). An object can be inserted into the valve member (42) introduced from the outer end, and inserted toward the inner end. The valve member (42) includes two walls (70, 72), which meet at a single seal interface (74) defined by ends (76, 78) of the walls on the inner end. As such, Willis describes a configuration that is reverse to that of claim 1. That is, Willis describes a single seal

Serial No.: 10/524,195  
 Examiner: Andrew M. Gilbert  
 Title: NEEDLELESS PORT (as amended)  
 Page 3 of 6

interface (74; corresponding to "C" in diagram below) defined by ends of the walls on the inner-end face of the sealing valve member (42; corresponding to "B" in diagram below), and a passage (52; corresponding to "D" in diagram below) that extends from the single seal interface (74; C) to the peripheral portion (68; corresponding to "A" in diagram below) on the outer end. In contrast, claim 1 requires a slit (C) having a predetermined depth from the outer-end face of the main body (A), extending toward the length direction, and a bore (D) that extends from the slit (C) to the inner-end face of the main body (B).

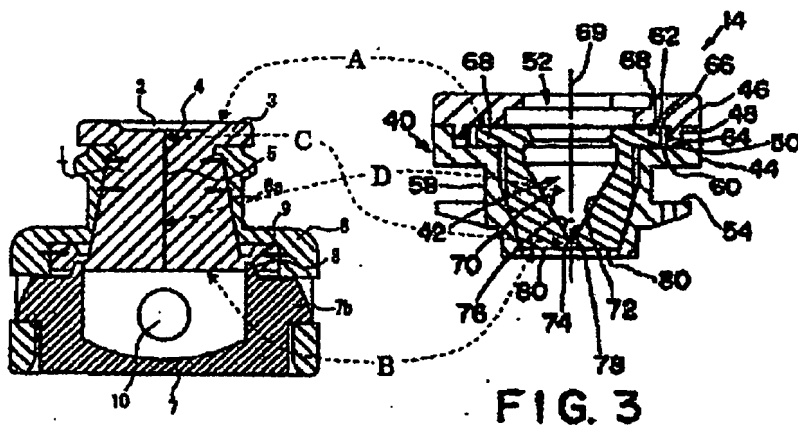


FIG. 2

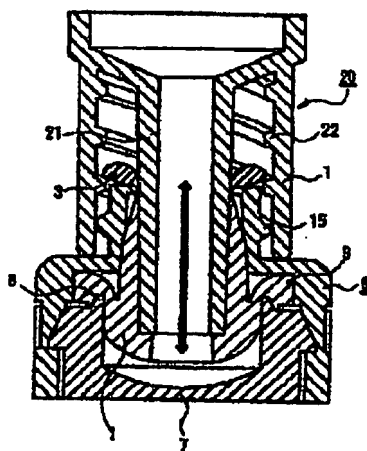


FIG. 9

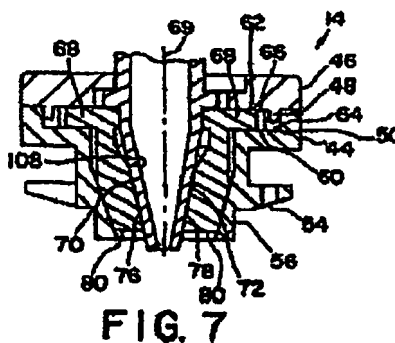


FIG. 7

Serial No.: 10/524,195  
Examiner: Andrew M. Gilbert  
Title: NEEDLELESS PORT (as amended)  
Page 4 of 6

The rejection contends that when the insertion member is inserted into the bore pushing against the compression ribs and opens the slit, the bore is inclusive of the opening formed in the slit and the bore extends from the slit to an inner-end face of the main body. However, even under this configuration, Willis still fails to teach a slit having a predetermined depth from the outer-end face of the main body, extending toward the length direction. Therefore, for at least these reasons, Willis does not anticipate claim 1 and the dependent claims therefrom.

Claim 1 further requires, with the septum being held inside a cavity, a space to be formed between the external surface of the main body at a part without the compression ribs and an internal wall of the cover. With this configuration, when an insertion member is inserted, it is possible to prevent the septum from being twisted. See page 7, lines 29-34. Willis does not disclose that a space is formed between the external surface of the valve member (42) at a part without the stiffening members (80) and an internal wall of the tubular portion (58) of the valve housing (40). Claim 1 also requires the bore to be closed by a compressive force applied from the internal wall of the cover to the septum via the compression ribs, wherein the compression ribs are provided at the both side ends of the main body in the breadth direction so as to extend along the axial direction of the passageway. Willis on the other hand discloses the valve member (42) being held inside the passage (52) of the valve housing (40) for selectively blocking the fluid path through the feeding lumen (34), where the walls (70, 72) define an open space.

The rejection contends that Willis discloses the passage (52) being closed by a compressive force applied from an internal wall of the cover to the septum via compression ribs (80, Figs. 3 and 8), and that this causes the septum's passage (52) to be closed shut at the site of the slit as shown in Fig. 3. However, it can be clearly understood from the figures and the description that the stiffening members (80) urge the ends (76, 78) of the walls (70, 72) so as to bias the slit to a sealed position. Although the reference discloses that in some embodiments, the stiffening member (80) are sized so as to be slightly compressed when inserted into the tubular portion (58) to bias the walls (70, 72) together in the sealed position, this is clearly distinguishable from the configuration where the bore is closed by a compressive force applied from the internal wall of the

Serial No.: 10/524,195  
Examiner: Andrew M. Gilbert  
Title: NEEDLELESS PORT (as amended)  
Page 5 of 6

cover to the septum via the compression ribs, wherein the compression ribs are provided at the both side ends of the main body in the breadth direction so as to extend along the axial direction of the passageway, as required by claim 1. Therefore, for these reasons, Willis is even further removed from claim 1 and the dependent claims therefrom. Applicant is not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim 2 is patentable over Willis for the reasons similar to those discussed above. Claim 2 similarly requires a septum having a main body. The main body has an inner end and an outer end. The inner end is on the pedestal side, while the outer end is on the exterior side. The septum has a substantial passageway that allows an insertion member to be introduced from the outer end. The substantial passageway includes an unpenetrated region. The unpenetrated region has a predetermined depth from the outer-end face of the main body and extends toward the length direction. The passageway also includes a bore. The bore extends from the unpenetrated region to the inner-end face of the main body. Claim 2 also requires, with the septum being held inside a cavity, a space to be formed between the external surface of the main body at a part without the compression ribs and an internal wall of the cover. Claim 2 further requires the bore to be closed by a compressive force applied from the internal wall of the cover to the septum via the compression ribs, wherein the compression ribs are provided at the both side ends of the main body in the breadth direction so as to extend along the axial direction of the passageway. Willis fails to disclose such a configuration as recited by claim 2. For at least these reasons, Willis does not anticipate claim 2.

#### ***Claim Rejections – 35 USC § 103***

Claim 6 is rejected under 35 USC 103(a) as being unpatentable over Willis et al. Applicant respectfully traverses this rejection. Claim 6 depends from claim 1 and is patentable over Willis for at least the same reasons discussed above regarding claims 1-5, 7, 10, 13 and 16-19. Applicant is not conceding the relevance of the rejection to the remaining features of the rejected claim.

Claims 8-9, 11-12 and 14-15 are rejected under 35 USC 103(a) as being unpatentable over Willis et al. Applicant respectfully traverses this rejection. Claims 8-

Serial No.: 10/524,195  
Examiner: Andrew M. Gilbert  
Title: NEEDLELESS PORT (as amended)  
Page 6 of 6

9, 11-12 and 14-15 depend ultimately from claim 1 and are patentable over Willis for at least the same reasons discussed above regarding claims 1-5, 7, 10, 13 and 16-19. Applicant is not conceding the relevance of the rejection to the remaining features of the rejected claim.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

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PATENT TRADEMARK OFFICE

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Dated: August 7, 2007

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